

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1124

United States of America,

Appellee,

v.

Jessie Paschal,

Appellant.

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Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: May 16, 2003

Filed: May 23, 2003

Before WOLLMAN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Jessie Paschal pleaded guilty to knowingly managing or controlling a place and making it available to another person for the unlawful storage, distribution, or use of a controlled substance, in violation of 21 U.S.C. § 856(a)(2). The district court* granted the government's motion for a substantial-assistance downward departure,

*The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

and sentenced Paschal to thirty-three months imprisonment and two years supervised release.

On appeal, Paschal's counsel moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and filed a brief arguing the district court should have granted a more substantial downward departure. Although Paschal was granted permission to file a pro se supplemental brief, she has not done so. We reject the argument advanced by Paschal's counsel because the downward departure is unreviewable. See United States v. Dutcher, 8 F.3d 11, 12 (8th Cir. 1993) (extent of district court's downward departure for substantial assistance is unreviewable on appeal). Further, having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.